

Serial No.: 10/817,088  
Attorney Docket No.: BLUE-P04

**AMENDMENTS IN THE DRAWINGS**

Please approve the new drawings, FIGS. 5, 6A, and 6B as shown on the attached sheets.

## **REMARKS**

The Applicant has added a new paragraph to the specification; amended paragraph [0015] and [0016] of the specification; added FIGS. 5, 6A, and 6B; amended Claims 1, 3-7, 9, 10, 13, 15-19, 21, and 22; canceled Claims 2, 8, 14, 20, and 25-28; and added new claims 29-32.

Of the claims, the Applicant gratefully acknowledges the indication by the Examiner of allowable subject matter in Claims 8 and 20.

## **REJECTIONS OF THE CLAIMS UNDER §102**

The Examiner has rejected Claims 1 and 13 under 35 U.S.C. §102(e) as being anticipated by the Smith reference (US 5,467,877). The Applicant has amended Claims 1 and 13 and incorporated the allowable subject matter in Claims 8 and 20 into claims 1 and 13 respectively. The Applicant respectfully asserts that the Smith reference does not teach or suggest each and every element of the amended Claims 1 and 13.

For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections under §102. Further, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of Claims 3-6 and 9-12 which depend on Claim 1 and Claims 15-19 and 21-24 which depend on Claim 13. Further, the Applicant respectfully requests that the Examiner consider and allow the new Claims 29 and 30 which are dependent on Claim 1 and the new Claims 31 and 32 which are dependent on Claim 13.

## **REJECTIONS OF THE CLAIMS UNDER §103**

The Examiner has rejected Claims 7 and 19 under 35 U.S.C. §103 as being obvious in light of the Smith and Ostrowsky references. The Applicant has rewritten Claims 7 and 19 in independent form and asserts that the Examiner has not established a *prima facie* case because the references do not teach or suggest each and every element of the amended Claims 7 and 19. Further, the Smith reference does not provide any motivation to combine the

references.

In particular, the references do not teach or suggest the “the second cap is further adapted to include a safety lock” element of Claims 7 and 19. The Applicant recognizes that, as stated in paragraph [0015] of the specification, “This locking means may be similar to the snapping or threading means found on medicine bottles or any alternative means which functions to prevent the accidental removal of the second cap 26.” The Ostrowsky reference discloses one of these snapping or threading means. The Applicant submits, however, that the Smith reference does not provide any motivation to combine the references. The conventional snapping or threading means found on medicine bottles, such as in the Ostrowsky reference, are used to prevent poisoning or contamination caused by the substance held by the safety lock. The Examiner has not stated why a person of ordinary skill in the art would use a safety lock to prevent spilling or leaking of a non-toxic substance such as hot water.

The Applicant asserts that “the second cap is further adapted to include a safety lock” element of amended Claim 7 and 19 provides a significant advantage that is not taught by the Smith reference. If the second cap is not locked about the second opening (as may be possible with the Smith reference), then the user (or the baby!) may accidentally remove the second cap and allow spilling of the second liquid and which could potentially injure the user and the baby. In contrast, if the second cap is further adapted to include a safety lock, then this provides a locking means to prevent accidental removal of the second cap. The locking means prevents spilling of the liquid from the container, which may prevent serious injury, such as burns from the hot liquid.

For these reasons, the Applicant respectfully requests that the Examiner reconsider and withdraw this rejection under §103.

**CONCLUSION**

In view of the preceding remarks, the Applicant respectfully submits that all of the claims are in condition for allowance. Further, the Applicant respectfully requests that the Examiner consider and allow the new Claims 29-32. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contacts the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

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By: 

Jeffrey Schox

Reg. No. 42,445

Attorney for the Applicant

Schox, PLC  
209 North Main Street, #200  
Ann Arbor, MI USA 48104  
p: 734-355-0675  
e: Jeff@SchoxPLC.com